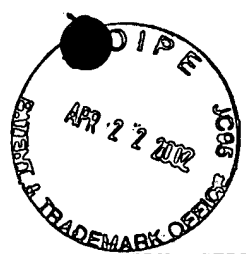


DAC #7



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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231 ON:

April 15, 2002

(DATE OF DEPOSIT)

David O. Kesh

April 15, 2002

(DATE OF SIGNATURE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
WALTER J. KELLY, <u>et al.</u>)
)
Serial No.: 09/717,767)
) Examiner: Unknown
Filed: November 21, 2000)
) Group Art Unit: 3634
For: TWO PIECE OUTER BELT)
WEATHERSTRIP) Atty. Dkt. No. 5709-159

REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. 1.47(a)

Assistant Commissioner of Patents
BOX DAC
Washington, D.C. 20231

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Honorable Sir:

The Petitioner notes the dismissal of the Petition Under 37 C.F.R. 1.47(a) to proceed with prosecution of the above-referenced patent application notwithstanding the refusal of one inventor, Christopher L. Kesh, to join in the application.

The decision of January 14, 2002 notes a deficiency regarding proof that the non-signing inventor has refused to

sign the Oath or Declaration after having been presented with the application papers.

As noted in the previous Petition, not only one of the inventors, Walter J. Kelly, but also the undersigned, David D. Murray, previously forwarded the application to Mr. Kesh at his last known, and believed to be current, residence. On no occasion has a response of any sort been forthcoming.

In view of the dismissal of the Petition, the undersigned has prepared and submits his Affidavit regarding his attempts to obtain the signature of Mr. Kesh. Specifically, on June 25, 2001 and August 7, 2001, the undersigned forwarded the application and declaration to Mr. Kesh. No response was received.

Based upon the dismissal of the Petition, the application and declaration was once again forwarded, this time by Certified Mail, to Mr. Kesh on March 13, 2002.

Mr. Kesh failed to pick up the envelope and it was returned to the undersigned on April 10, 2002.

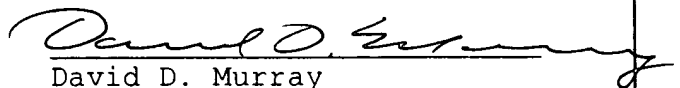
Finally, it should be remembered that Mr. Kesh executed an Assignment in favor of GenCorp, Inc. on November 9, 2000, while he was employed by GenCorp. His refusal to execute further documents relating to this patent application commenced subsequent to the conclusion of his employment with GenCorp.

In view of all of the foregoing facts and Mr. Kesh's continued silence in the face of at least four attempts to obtain his review and signature of the subject patent application, the inescapable conclusion is that Mr. Kesh has and is refusing to execute this application.

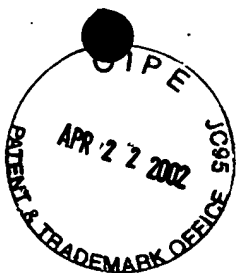
A finding thereof by the Commissioner is respectfully requested in order that this application may proceed under 37 C.F.R. 1.47(a).

In a separate document, applicant herewith has requested a one-month extension of time, extending the response period relating to this Petition from March 14, 2002 to April 14, 2002. Inasmuch as April 14, 2002 was a Sunday, the filing of this Petition on Monday, April 15, 2002 is timely. A check in the amount of \$110.00 as payment for the extension is enclosed.

Respectfully submitted,


David D. Murray
Reg. No. 28,647

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000



David D. Murray

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524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MICHIGAN 48104-1100
brinkshofer.com
FAX 734-994-6331
TELEPHONE 734-994-6285

CHICAGO, IL
SAN JOSE, CA
INDIANAPOLIS, IN
ARLINGTON, VA

June 25, 2001

Mr. Christopher L. Kesh
3360 Pine Court
West Bloomfield, MI 48324

Re: Patent Application of GenCorp entitled
TWO PIECE OUTER BELT WEATHERSTRIP
Our file: 5709-159

RECEIVED

APR 24 2002

OFFICE OF PETITIONS

Dear Chris:

In connection with the filing of the above-referenced patent application, it is necessary that you execute and date the Inventors' Declaration of the subject patent application.

A copy of the patent application and Inventors' Declaration, already signed by Walt Kelly and Anthony Loe, is enclosed.

Upon review and execution of this document, please return it to me in Ann Arbor in the enclosed envelope.

Should you have any questions, I invite your call.

Yours truly,

David D. Murray

DDM:kll
Enclosures

David D. Murray



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brinkshofer.com
FAX 734-994-6331
TELEPHONE 734-302-6000

CHICAGO, IL
SAN JOSE, CA
INDIANAPOLIS, IN
ARLINGTON, VA

August 7, 2001

Mr. Christopher L. Kesh
3360 Pine Court
West Bloomfield, MI 48324

Re: Patent Application of GenCorp entitled
TWO PIECE OUTER BELT WEATHERSTRIP
Our file: 5709-159

Dear Chris:

On June 25, 2001, I forwarded to you a patent application and Inventors' Declaration relating to a patent application which names you as one of the three joint inventors. As you may know, the patent application was filed earlier without your signature in accordance with certain rules of the Patent Office in order to expedite its filing.

The Patent Office has now required us to file the application with your signature and those of the other two inventors. Accordingly, it is necessary that you execute the enclosed Inventors' Declaration and return it to me promptly for filing with the Patent and Trademark Office.

Please attend to this matter at your early convenience and call me in Ann Arbor if you have any questions.

Yours truly,

David D. Murray

DDM:kll
Enclosure

RECEIVED

APR 24 2002

OFFICE OF PETITIONS

David D. Murray

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524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MICHIGAN 48104-29
brinkshofer.com
FAX 734-994-6331
TELEPHONE 734-302-6000

March 13, 2002

CHICAGO, IL
SAN JOSE, CA
INDIANAPOLIS, IN
ARLINGTON, VA

**VIA CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Mr. Christopher L. Kesh
3360 Pine Court
West Bloomfield, MI 48324

Re: Patent Application of GenCorp Inc. entitled
TWO PIECE OUTER BELT WEATHERSTRIP
Our file: 5709-159

Dear Chris:

On June 25, 2001 and August 7, 2001, I forwarded to you a complete patent application and Inventors' Declaration relating to the above-referenced subject matter which names you as one of three joint inventors.

While the application was filed without your signature, the Patent Office encourages inventors to sign their patent applications although there are procedures within the Office to prosecute an application without same.

Because of your prior refusals to execute the applications forwarded to you, we are proceeding under the latter provisions.

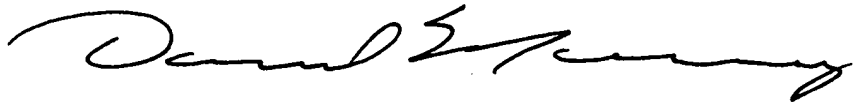
It is presently unclear to the Patent Office whether you have refused to sign the application or whether it is not been provided to you. Accordingly, I am, for a third time, providing the application, drawings and Inventors' Declaration to you. Please either sign and date the Declaration in the spaces provided or indicate on this letter, by your signature, that you refuse to do so and return one or the other of these documents to me.

For your convenience, I have enclosed a self-addressed and stamped envelope.

Christopher L. Kesh
March 13, 2002
Page 2

Should you have any questions, please contact me.

Yours truly,



David D. Murray

DDM:kl
Enclosures

ACKNOWLEDGMENT

I, Christopher L. Kesh, by signing this letter acknowledge that I have received the aforementioned application, drawings and Inventors' Declaration and have refused to execute same.

Date: _____

Christopher L. Kesh

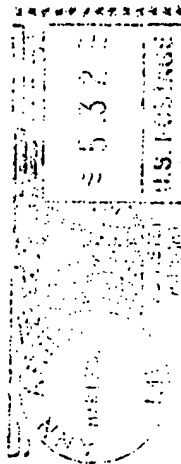
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Mr. Christopher L. Kesh

Street, Apt. No., or PO Box No.

3360 Pine Court

City, State, ZIP+4

West Bloomfield, MI 48324

PS Form 3800, July 1999

See Reverse for Instructions

Mr. Christopher L. Kesh
3360 Pine Court
West Bloomfield, MI 48324

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APR 24 2002

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1. Article Addressed to:

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West Bloomfield, MI 48324

2. Article Number (Copy from service label)

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☐ Agent☐ Addressee

D. Is delivery address different from item 1?

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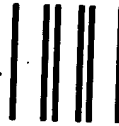
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David D. Murray, Esq.
3360 Pine Court
West Bloomfield, MI 48324

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DATE	3/14/02
ROUTE#	2470
NOTIFIED BY	[Signature]

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APR 10 2002

BRINKS HOFER-ANN ARBOR

CERTIFIED MAIL



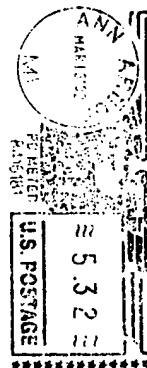
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REQUESTED

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UNCLAIMED

Mr. Christopher L. Kesh
3360 Pine Court
West Bloomfield, MI 48324



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48107
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☐ Addressee

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If YES, enter delivery address below: ☐ No

3. Service Type

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☐ C.O.D.

☐ Express Mail

☒ Return Receipt for Merchandise

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4. Restricted Delivery? (Extra Fee)